

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

MARICEL FORTEZA,

Plaintiff Pro Se

v.

Case No 4:23-CV-00401-ALM-KPJ

**PELICAN INVESTMENT HOLDINGS
GROUP, LLC DBA AAP AND AUTO
SERVICE DEPARTMENT, US DEALER
SERVICES, INC. DBA US AUTO,
PALMER ADMINISTRATIVE
SERVICES, INC., SING FOR SERVICE,
LLC DBA MEPCO,**

Defendants.

MEPCO'S STATUS REPORT TO COURT

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE:

Defendant Sing for Service, LLC dba Mepco ("Mepco") files this Status Report to the Court as requested by the Court's Order dated December 21, 2023 (Dkt 36). Mepco served Plaintiff Maricel Forteza (Plaintiff) with Mepco's Motion to Dismiss Plaintiff's Amended Complaint Against Mepco and Brief in Support (the "Motion to Dismiss") (Dkt. 27) via email based on Plaintiff's email communication that she preferred to be served via email as opposed to U.S. Mail and the parties' course of dealing.

A. Plaintiff agreed to be served by email.

1. Plaintiff filed her Complaint on April 25, 2023 (Dkt 3). Defendant Palmer Administrative Services (PAS) was served on May 10, 2023 (Dkt. 9). The first defense counsel that communicated with Plaintiff, was Jason Weiss, counsel for Defendant PAS. Mr. Weiss communicated with Plaintiff on May 15, 2023, and asked Plaintiff whether she preferred to be

served by email or U.S. Mail. Forteza responded by stating she preferred to be served via email. Please see Plaintiff's May 15, 2023, email communications attached as **Exhibit A**.

2. Plaintiff filed her Amended Complaint on May 25, 2023 (Dkt 11). Defendant Mepco was served on July 28, 2023. Mepco filed a Waiver of Service on August 1, 2023 (Dkt. 17).

3. On August 16, 2023, Plaintiff and Defendant PAS were communicating with Mepco concerning its input to the Fed. R. Civ. Rule 26(f) Report due on August 25, 2023. (Dkt. 25) The email communications between Mepco, Plaintiff, and PAS regarding the Rule 26(f) Report are attached hereto as **Exhibit B**.

4. On August 22, 2023, William E. Reid filed an entry of appearance as counsel for Defendant Mepco. (Dkt. 22) Mr. Reid joined the email communications with Plaintiff and Defendant PAS concerning the Rule 26(f) Report due on August 23, 2023. The email communications are attached as **Exhibit C**. Mepco understood that Plaintiff preferred service by email.

5. On September 26, 2023, Defendant Mepco filed its Motion to Dismiss. (Dkt 27) On September 27, 2023, Defendant Mepco served Plaintiff with its Motion to Dismiss via email to mforteza@protonmail.com and received a notification that delivery of the email was complete. The email confirmation is attached hereto as **Exhibit D**.

Service to Plaintiff was in accordance with Federal Rules for service of pleadings.

6. Defendant Mepco served Plaintiff with its Motion to Dismiss on September 27, 2023, in accordance with FED. R. CIV. P. 5(a)(1)(D), which states that service may be accomplished by "*sending it to a registered user by filing it with the court's electronic-filing system or sending it by other electronic means that the person consented to in writing.*"

Defendant Mepco does not oppose Plaintiff filing a late Response to Mepco's Motion.

7. On December 20, 2023, Andrew Perrong made an appearance as counsel for Plaintiff in this case. (Dkt. 34) Mr. Perrong asked Mepco on December 20, 2023, if Mepco would oppose Plaintiff's request for leave to file Plaintiff's Response until January 10, 2024. Mepco advised Attorney Perrong that Defendant Mepco would not oppose Plaintiff filing a Motion for Leave to extend the date to file a Response to Mepco's Motion to Dismiss until January 10, 2024.

8. Plaintiff and Mepco have resolved any issue of service by agreement. Mepco does not oppose Plaintiff filing her response to Mepco's Motion to Dismiss by January 10, 2024.

Dated: December 22, 2023

Respectfully submitted,

/s/ William E. Reid

WILLIAM E. REID
State Bar No. 16748500
wreid@reiddennis.com

REID DENNIS & FRICK, P.C.
2600 Dallas Parkway| Suite 380
Dallas, Texas 75034
Telephone: 214/618-1400
Facsimile: 214/618-1653

**ATTORNEYS FOR DEFENDANT
SING FOR SERVICES, LLC DBA MEPCO.**

CERTIFICATE OF SERVICE

On December 21, 2023, I filed the foregoing document with the clerk of court for the U.S. District Court, Eastern District of Texas. I hereby certify that I have served the document on all counsel of record by a manner authorized by Federal Rules of Civil Procedure 5(b).

/s/ William E. Reid

WILLIAM E. REID